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Attorneys for Plaintiffs
Oracle USA, Inc., Oracle America, Inc., and
Oracle International Corp.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
SETH RAVIN, an individual,

Defendants.

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Case No 2:10-cv-0106-LRH-PAL

**DECLARATION OF JOHN POLITO
IN SUPPORT OF ORACLE'S
MOTION FOR A PERMANENT
INJUNCTION AGAINST
DEFENDANTS RIMINI STREET,
INC. AND SETH RAVIN, FOR
DISPOSITION OF INFRINGING
COPIES, AND FOR JUDGMENT ON
ORACLE'S UNFAIR COMPETITION
CLAIM**

1 I, John A. Polito, declare as follows:

2 1. I am an attorney at Morgan, Lewis & Bockius LLP, counsel of record in this
3 action for Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corp. I
4 have personal knowledge of the facts set forth in this declaration and would competently testify
5 to them if called upon to do so.

6 2. I am also counsel of record for Oracle America, Inc., and Oracle International
7 Corp. (collectively, “Oracle”) in *Rimini Street, Inc. v. Oracle International Corp.*, Case No
8 2:14-cv-01699 LRH PAL (D. Nev.) (“*Rimini II*”).

9 3. Rimini Street, Inc. (“Rimini”) filed its initial Complaint for declaratory relief in
10 *Rimini II* on October 15, 2014. Attached as Exhibit A is a true and correct copy of Rimini’s
11 initial Complaint in *Rimini II*.

12 4. Oracle filed its Counterclaims in *Rimini II* on February 17, 2015, alleging
13 copyright infringement and additional claims. Attached as Exhibit B is a true and correct copy
14 of Oracle’s Counterclaims, Answer, and Affirmative Defenses in *Rimini II*.

15 5. Attached as Exhibit C is a true and correct copy of Oracle’s First Set of
16 Interrogatories to Rimini in *Rimini II*, served on July 20, 2015. In relevant part, these
17 interrogatories ask Rimini to identify or describe:

18 a. “each of Your former and current customers for which you provide
19 support or other services or products in connection with any of the
20 Software and Support Materials since September 28, 2011”

21 (Interrogatory No. 1);

22 b. “the processes by which You (or anyone acting on Your behalf) design
23 and develop fixes in the course of providing support services for the
24 PeopleSoft Family of Products” (Interrogatory No. 2);

25 c. “each Environment that has ever existed on any Identified Rimini
26 Computer System or that Rimini has ever accessed in support of its
27 current or past customers” (Interrogatory No. 3);

28 d. “Your ‘migration’ of all Oracle Software and Support Materials from any

Identified Rimini Computer System to any other servers”

(Interrogatory No. 4);

e. file and metadata information “[f]or all Oracle Software and Support

Materials residing on any Identified Rimini Computer System”

(Interrogatory No. 5);

f. “all instances in which Rimini has distributed to a customer any

protectable copyrightable expression in and from any Oracle Software

and Support Materials or any portion thereof” (Interrogatory No. 6);

g. “all instances in which Rimini has downloaded Oracle Software and

Support Materials from any Oracle website” (Interrogatory No. 7).

6. On October 15, 2015, Oracle circulated its draft motion to compel responses or supplemental responses to Interrogatories No. 1-7 to Rimini.

7. On October 16, 2015, Rimini agreed to supplement its responses to Interrogatories No. 1-5 & 7 by November 2, 2015 in exchange for Oracle’s agreement not to move to compel responses or supplemental responses to these interrogatories.

8. As of the date that this declaration was executed, Oracle has not yet received a complete customer list, list of environments, list of fixes, or list of downloads from Rimini pursuant to these interrogatories.

9. As of the date that this declaration was executed, Oracle has not yet received a substantive response to Interrogatory No. 4, concerning Rimini’s alleged migration of Oracle software and support materials from Rimini’s computer systems on to other computer systems.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed at Scottsdale, Arizona, on October 21, 2015.

By: 

John A. Polito